

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

EVANDER J. MORRISSETTE,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 2:15-CV-275-ECM
)	
PHYLLIS BILLUPS, et al.,)	
)	
Defendants.)	

ORDER

This case is before the court on the Recommendation of the Magistrate Judge entered on July 26, 2018 (Doc. #36). There being no objection to the Recommendation, and after review of the file, the Recommendation is ADOPTED, and it is hereby ORDERED as follows:

1. The plaintiff's motion to dismiss is GRANTED and his claims against Phyllis Billups and Sandra Giles are DISMISSED with prejudice.

2. Defendants Phyllis Billups and Sandra Giles are DISMISSED as parties to this cause of action.

3. Defendant Parham's motion for summary judgment with respect to the plaintiff's claim for monetary damages lodged against Parham in his official capacity is GRANTED and this claim is DISMISSED with prejudice as the defendant is entitled to absolute immunity from such damages.

4. The motion for summary judgment filed on behalf of defendant Parham with respect to the plaintiff's excessive force claim lodged against this defendant in his individual capacity is DENIED.

5. A jury trial will be scheduled in due course on the plaintiff's surviving claim of excessive force against defendant Willie T. Parham in his individual capacity.

Done this 20th day of August, 2018.

/s/Emily C. Marks
EMILY C. MARKS
UNITED STATES DISTRICT JUDGE